

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO.: 1:23-cv-21347-JEM

MIAMI SLICE PIZZA, LLC,

Plaintiff/Counter-Defendant,

v.

CARNIVAL CORPORATION,

Defendant/Counter-Plaintiff.

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**DEFENDANT’S REPLY IN SUPPORT OF EXPEDITED MOTION TO
FURTHER AMEND SCHEDULING ORDER**

Defendant Carnival Corporation (“Carnival”), by and through undersigned counsel, submit this Reply in Support of Defendant’s Expedited Motion to Further Amend Scheduling Order [D.E. 35] (the “Motion”):

1. Plaintiff Miami Slice Pizza, LLC (“Miami Slice”) opposes Carnival’s proposed extension of the deadline to exchange rebuttal expert reports, but none of the other proposed extensions in the Motion. *See* Miami Slice’s Response in Opposition to Carnival’s Expedited Motion to Further Amend Scheduling Order [D.E. 38] (the “Response”). Miami Slice’s willingness to amend the Scheduling Order in every other respect, except with respect to the rebuttal expert report deadline, demonstrates that there will be no prejudice to Miami Slice if the requested extension of rebuttal expert reports is granted. In contrast, Carnival will clearly be prejudiced by a failure to extend the deadline in question given the fact that it has only very recently engaged new lead trial counsel who need sufficient time to be able to fully review the

record, which includes over 30,000 documents and native files, in order to adequately participate in the defense of the case, including with respect to being able to meaningfully advise Carnival with respect to the rebuttal expert reports. *See* Motion, at 2. Given the current status of this matter, in particular that rebuttal expert reports have not yet been exchanged, good cause exists to allow such an extension to enable Carnival's new lead trial counsel to substantively participate in its defense.

2. Miami Slice's Response fails to acknowledge that Carnival's retainment of new lead trial counsel impacts the exchange of rebuttal expert reports just as it impacts every other deadline. The cases cited in the Response are unavailing, and Miami Slice makes no assertion to suggest that that Carnival has not been diligent. In its Motion, Carnival clearly explained the circumstances evidencing good cause and warranting an extension. *See* Motion, at 4-5; *see also KB Oreo, LLC v. Winnerman*, 2020 WL 13267386, at *1 (S.D. Fla. Oct. 22, 2020) (granting motion to extend discovery deadlines based on "the difficulty of conducting discovery on the timeline set in the Pretrial Scheduling Order given the late appearance of certain Defendants").

3. Furthermore, given that both parties submitted opening expert reports, an extension of the deadline to exchange rebuttal expert reports would allow both parties more time to adequately respond to the opening expert reports. The extension in question would therefore be beneficial both parties, and will not prejudice Miami Slice.

4. Based on the foregoing, as well as the arguments set forth in Defendant's Expedited Motion, Carnival respectfully submits that good cause exists for the Court to consent to an amendment to the Scheduling Order, as set forth in the Motion.

WHEREFORE, Carnival respectfully requests that the Court further amend the Scheduling

Order deadlines pertaining to discovery and related deadlines as proposed in Defendant's Expedited Motion to Amend Scheduling Order.

DATED: April 29, 2024

Respectfully submitted,

s/David K. Friedland

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CERTIFICATE OF SERVICE

I hereby certify that on the above referenced date, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the Manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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